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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/386,613	08/31/1999	TAZWELL L. ANDERSON JR.	011997-1020	1602
7590 02/10/2005				
Evan R. Sotiriou Armstrong Teasdale LLP One Metropolitan Square, Suite 2600 St. Louis, MO 63102		EXAMINER VU, NGOC K		
		ART UNIT PAPER NUMBER		
		2611		

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/386,613	Applicant(s) ANDERSON ET AL.	
	Examiner Ngoc K. Vu	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments with respect to claims 19-37 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claim 34 is objected to because of the following informalities: it appears that the term "said receiving" should be "said receiver" because the receiver is previously defined in claim 28. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 19-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verna (US 6,681,398 B1) in view of Urella et al. (US 5,138,722 A).

Regarding claim 19, Verna discloses an audio/video system for providing select combinations of audio and video signals (see col. 3, line 64 to col. 4, line 35; col. 19, lines 18-24 and figure 1), comprising:

an interface device (140) receiving and modulating a plurality of video signals associated with an event (the selection system 140 receives and modulates a plurality of signals comprising video and audio signals associated with a sporting event or other event. It must be understood that the signals are modulated prior transmitting to a receiver – see col. 4, lines 19-25 and 34-35) to produce modulated video signals, said interface device transmitting said modulated video signals (the selection system 140 transmits the modulated video signals to a reviewing system 220 – see figure 1 and col. 14, lines 1-15); and

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a receiver (215) receiving said modulated video signals and receiving modulated audio signals, said modulated audio signals being associated with the event, said receiver selecting and demodulating at least one of said modulated video signals and at least one of said modulated audio signals to produce demodulated audio and video signals, wherein the selection is based on an input from a user (the reviewing system 220 having a receiver 215 comprises a demodulator for demodulating the received signals to baseband signals from the frequencies used for transmitting the signals by the selection system 140, wherein the received signals comprises video and audio signals associated with the sporting event or other event. The reviewing system 220 further comprises means for enabling a user to select which images derived from the received signals are to be viewed or which of signal segments will be transmitted from the selection system 140 to the reviewing system 220 – see col. 14, lines 43-53; col. 4, lines 19-25 and 34-35; col. 7, lines 41-43; col. 17, lines 24-33 and 49-53; col. 19, lines 18-24);

a display (210) attached to said receiver (see figure 1), said display receiving said demodulated video signal and producing images defined by said demodulated video signal (see col. 16, lines 59-65).

Verna further disclose that the reviewing system comprising at least one audio speaker for producing sounds defined by the demodulated audio signals (see col. 17, lines 11-17 and 25-30).

Regarding further claim 1 and claim 22, Verna does not explicitly discloses the speaker(s) coupled to a first and a second noise reduction devices having first and second recesses, the first and second noise reduction devices configured to cover the ears of a user when the ears of the user are located within the first and second recesses.

However, Urella teaches a pair of ear seals 10 of a headset includes noise attenuating material 18 for each ear seal for reducing noise, wherein each of ear seals 10 includes a recess and user's ears are located within the recesses of the pair of seals (see col. 3, lines 20-28 and col. 4, lines 43-47 and figures 2-3). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the reviewing system of Verna by including noise attenuating material for each ear seal of a headset as taught by Urella in order to reduce noise levels for better quality.

Regarding claim 28, Verna discloses a portable audio/video device (220 – see figure 1) for providing select combinations of audio and video signals (see col. 3, line 64 to col. 4, line 35; col. 19, lines 18-24), the device comprising:

a receiver (215) receiving a plurality of video signals and audio signals associated with an event, said receiver selecting at least one of said video signals and at least one of said audio signals based on an input from a user to produce selected audio and video signals (the reviewing system 220 having a receiver 215 comprises a demodulator for demodulating the received signals to baseband signals from the frequencies used for transmitting the signals by the selection system 140, wherein the received signals comprises video and audio signals associated with the sporting event or other event. The reviewing system 220 further comprises means for enabling a user to select which images derived from the received signals are to be viewed or which of signal segments will be transmitted from the selection system 140 to the reviewing system 220 – see col. 14, lines 43-53; col. 4, lines 19-25 and 34-35; col. 7, lines 41-43; col. 17, lines 24-33 and 49-53; col. 19, lines 18-24);

a display (210) attached to said receiver (see figure 1), said display receiving said demodulated video signal and producing images defined by said demodulated video signal (see col. 16, lines 59-65).

Verna further disclose that the reviewing system comprising at least one audio speaker for producing sounds defined by the demodulated audio signals (see col. 17, lines 11-17 and 25-30).

Verna does not explicitly disclose the speaker(s) coupled to a first and a second noise reduction devices having first and second recesses, the first and second noise reduction devices configured to cover the ears of a user when the ears of the user are located within the first and second recesses.

However, Urella teaches a pair of ear seals 10 of a headset includes noise attenuating material 18 for each ear seal for reducing noise, wherein each of ear seals 10 includes a recess and user's ears are located within the recesses of the pair of seals (see col. 3, lines 20-28 and col. 4, lines 43-47 and figures 2-3). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the reviewing system of Verna by including noise attenuating material for each ear seal of a headset as taught by Urella in order to reduce noise levels for better quality.

Regarding claim 37, Verna discloses a portable audio/video device (220 – see figure 1), comprising:

a receiver (215) receiving said modulated video signals and receiving modulated audio signals, said modulated audio signals being associated with the event, said receiver selecting and demodulating at least one of said modulated video signals and at least one of said modulated audio signals to produce demodulated audio and video signals, wherein the selection is based on an input from a user (the reviewing system 220 having a receiver 215 comprises a demodulator for demodulating the received signals to baseband signals from the frequencies used for transmitting the signals by the selection system 140, wherein the received signals comprises video and audio signals associated with the sporting event or other event. The

reviewing system 220 further comprises means for enabling a user to select which images derived from the received signals are to be viewed or which of signal segments will be transmitted from the selection system 140 to the reviewing system 220 – see col. 14, lines 43-53; col. 4, lines 19-25 and 34-35; col. 7, lines 41-43; col. 17, lines 24-33 and 49-53; col. 19, lines 18-24);

a display (210) attached to said receiver (see figure 1), said display receiving said demodulated video signal and producing images defined by said demodulated video signal (see col. 16, lines 59-65).

Verna further disclose that the reviewing system comprising at least one audio speaker for producing sounds defined by the demodulated audio signals (see col. 17, lines 11-17 and 25-30).

Verna does not explicitly disclose the speaker(s) coupled to a first and a second noise reduction devices having first and second recesses, the first and second noise reduction devices configured to cover the ears of a user when the ears of the user are located within the first and second recesses.

However, Urella teaches a pair of ear seals 10 of a headset includes noise attenuating material 18 for each ear seal for reducing noise, wherein each of ear seals 10 includes a recess and user's ears are located within the recesses of the pair of seals (see col. 3, lines 20-28 and col. 4, lines 43-47 and figures 2-3). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the reviewing system of Verna by including noise attenuating material for each ear seal of a headset as taught by Urella in order to reduce noise levels for better quality.

Regarding claims **20 and 29**, Verna discloses that at least a portion of the plurality of video and audio signals related to a football game (see col. 5, lines 40-43).

Regarding claims **21 and 30**, Verna as modified by Urella by further teaches that the noise attenuating headset includes earcups which are attached to a spring and suspension assembly (see Urella: col. 2, lines 40-45 and figure 1).

Regarding claims **23-24 and 31-32**, Verna discloses that the plurality signals including video and audio signals comprise different camera angles of sporting event or other event (see col. 4, lines 36-52). Verna fail to disclose capturing the video by a camera positioned within a vehicle participating in an auto race. Official Notice is taken that recording images and voices during operation of an automobile by a camera inside the automobile in a car race is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination system Verna and Urella by including recording video and audio signals by camera located inside of automobile in order to provide the images and voices of a particular driver during a car race.

Regarding claim **25**, Verna as modified by Urella further teaches a noise attenuating headset 2 including a first slot, the slot defined by a wall having a series of notches, the headset having a first ridge that is sequentially received by the notches as the headset passes through the first slot (see Urella: figures 1-6 and col. 2, line 40 to col. 3, lines 28).

Regarding claims **26 and 35**, Verna discloses that the reviewing system 220 is portable handheld unit (see col. 13, lines 48-65).

Regarding claims **27 and 36**, Verna discloses that the reviewing system 220 receive the audio and video signals wirelessly (see col. 14, lines 59-66).

Regarding claim **33**, Verna discloses that at least a portion of the plurality of the video and audio signals are modulated (it must be understood that the signals are modulated prior transmitting to a receiver), further comprising a demodulator (within receiver 215) demodulating at least one modulated video signal (see col. 14, lines 1-5 and 43-50).

Regarding claim **34**, Verna discloses that receiver receives a combined audio and video signal (see col. 3, line 64 to col. 4, line 35).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NV
February 4, 2005


CHRIS GRANT
PRIMARY EXAMINER